

Summary of Lessons Learned From Collaboration on Materials Security Issues

Lessons Learned Regarding State Collaboration on Materials Security Issues

NRC staff noted that early NRC work on materials security issues (first half of 2002) was carried out without significant Agreement State input. Early State involvement is needed to gain State perspectives, clarity of roles and responsibilities, and resolve State concerns.

OAS expressed the view that materials security efforts have benefitted significantly by the Commission's decision to involve the expertise and perspective of the States in developing security measures. The OAS agrees with the Commission and NRC Staff that involvement of the Agreement States on the Materials Security Working Group (MSWG) and Steering Committee (MSSC) was necessary to develop finely conceived techniques for implementation at the State and local level. The OAS expressed the additional view that the contributions of the Agreement States on MSWG and MSSC was a demonstration that NRC and Agreement States could collaborate effectively from divergent points.

OAS cautions that MSWG and MSSC assistance toward implementation of materials security under common defense and security framework should not be loosely used to prove the viability of the NMP alliance. The OAS notes that for collaborative efforts to be truly reflective of a true alliance, members of the alliance must be able to contribute equitably. Due to Constitutional and statutory limitations on Federal authorities, common defense and security precludes a fully equitable alliance between the NRC and Agreement States. Agreement States can assist only in a supporting role for the common defense and security framework. OAS expresses an additional concern that the provisions of the 274i agreements were balanced more in favor of NRC, and that the agreements should therefore not be loosely used to prove the viability of the NMP alliance.

Lessons Learned from Working Group Activities

NRC staff noted that Agreement State representatives in working groups have been very helpful in gathering information, conducting surveys, obtaining consensus among States, and acting as a conduit for reporting progress made in working groups to other States. Working group participants should have a clear understanding as to how the working group interacts with the Commission, and with NRC and Agreement State management. Working groups members should be familiar with Management Directive (MD) 5.3, "NRC/Agreement State Working Groups", and MD 3.5, "Attendance at NRC Staff Sponsored Meetings" regarding activities involving predecisional information.

NRC staff further noted that at the initial meetings of all new working groups, MD 5.3 should be discussed, so that all participants clearly understand each other's roles, including and especially, the role of the lead agency, management advisors, and the Steering Committee (if applicable). Working group participants should have a clear understanding of schedules, milestones, personnel involved and their roles and

responsibilities, level of effort expected, decision making process, and NRC and Agreement State issues that affect working group activities.

In addition, the expected final disposition of the working group's product(s) should be discussed, so that it is clear that once a working group product passes from the working group, it is up to the organization for whom the product was developed (usually the lead agency) to determine how the final product is to be used, and that the recipient agency may ultimately reject the product altogether, with appropriate justification.

Lessons Learned Regarding Section 274i Inspections

NRC staff noted that NRC could have better predicted the States' equipment needs such as the computers and encryption devices needed by State inspectors, to protect Safeguard Information. In addition, NRC should build more time, i.e., 18 months vs. 12 months, into the schedule for the Section 274i inspection activities initiated to comply with the protective measure Orders, to account for the delays due to the complexities of State government.